

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 BARBARA STUART ROBINSON,
5 Plaintiff(s),
6 v.
7 CITY OF LAS VEGAS,
8 Defendant(s).

2:22-cv-00174-APG-VCF
ORDER

9 Before me is plaintiff's motion for summons (ECF NO. 9).

10 Plaintiff filed an application for leave to proceed in forma pauperis. (ECF No. 1). I denied
11 plaintiff's IFP application since I was unable to determine whether the applicant qualifies for IFP status
12 on a short IFP form. (ECF No. 3). Plaintiff was given 30 days to amend her IFP application.

13 Plaintiff has paid the filing fee on March 24, 2022, and withdraws her motion for IFP. (ECF NO.
14 8). The Amended Complaint (ECF NO. 7) will be the operative complaint. Fed. R. Civ. P. 4(m) requires
15 a defendant to be served within 90 days after the complaint is filed. Here, summons on defendant has not
16 been issued, the court will direct the clerk to issue summons. The last day to perfect service on defendant
17 will be July 6, 2022.

18 Accordingly,

19 I ORDER that plaintiff's motion for summons (ECF No. 9) is GRANTED. The Clerk of Court is
20 directed to issue Summons for Defendant City of Las Vegas.

21 I FURTHER ORDER that the amended complaint (ECF No. 7) is the operative complaint.

22 I FURTHER ORDER that the last day to perfect service on defendant City of Las Vegas, is July
23 6, 2022.

24 NOTICE

25 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and

1 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
2 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
3 may determine that an appeal has been waived due to the failure to file objections within the specified
4 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

5 This circuit has also held that (1) failure to file objections within the specified time and (2)
6 failure to properly address and brief the objectionable issues waives the right to appeal the District
7 Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d
8 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
9 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any
10 change of address. The notification must include proof of service upon each opposing party's attorney,
11 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may
12 result in dismissal of the action.

13 IT IS SO ORDERED.

14 DATED this 7th day of April 2022.



15 CAM FERENBACH
16 UNITED STATES MAGISTRATE JUDGE
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